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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,822	10/15/1999	YASUHISA ICHIFUJI	500.35360CX1	9381

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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,822

Applicant(s)

ICHIFUJI ET AL.

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/27/05, 2/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 27, 2005 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/5/05 and 6/27/05 have been fully considered but they are not persuasive.

In re pages 12-13, applicants argue that the newly-cited reference VideoGuide User's manual is not valid prior art (due to an unproven date/publication).

In response, the examiner respectfully disagrees. As discussed in the last Office Action, First at all, the reference "VideoGuide User's Manual" is a User's Manual (Copyright O 1995Video Guide, Inc.). Since the reference is a User's Manual, the reference is available to at least users (public) of the system or services described in the reference from 1995. Additionally, the reference is available and can be readily accessed by the employees, who can distribute the reference to friends and families' members, (public) of the printing company (VideoGuide, Inc.) from 1995. From the above two reasons, it is clear that the reference is available and could be accessed by the public (users of the system or services described in the reference and employees,

who can distribute the reference to friends and families' members, of the printing company, Video Guide, Inc.) since 1995. It is noted that applicants do not credibly argue, nor could they, that the reference "VideoGuide User's Manual" is not available or could not be accessed by the public from 1995.

In re pages 13-15, applicants argue that none of the references teach any of comparator or comparing process which compares a number of characters of an extended program information with the number of characters which can be displayed within a first prescribed zone (e.g., block).

In response, the examiner respectfully disagrees. Lawler et al shown in Fig. 3 "Trailside: Make You..." and the figure in page 12 of the VideoGuide User's Manual show "Little Memo: adventures in...". In order to show "Trailside: Make You..." and "Little Memo: adventures in..." on the display, the number of characters in the received character information of the particular extended program is compared with the number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid and the part of a character information of a particular extended program is omitted when a number of characters in the received character information of the particular extended program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid. Therefore, the claimed comparing process which compares a number of characters of an extended program information with the number of characters which can be displayed within a first prescribed zone is inherent characteristic of Lawler et al the VideoGuide User's Manual.

In re pages 16-17, applicants argue that, with respect to claim 48, that the capability of moving the Joystick left or right, up or down disclosed in page 12 of VideoGuide User's Manual to change the background information block is not the claimed "changes a particular background information block characteristic, when the particular background information block of the particular extended program exceeds the prescribed time period of the first prescribed zone in the grid".

In response, the examiner respectfully disagrees. As discussed in the last Office Action, when the particular background information block of the particular extended program exceeds the prescribed time period of the first prescribed zone in the grid, the user can move the JOYSTICK left or right, up or down disclosed in page 12 of the VideoGuide User's Manual to change the background information block characteristic. Thus, the capability of moving the Joystick left or right, up or down disclosed in page 12 of VideoGuide User's Manual to change the background information block anticipates the claimed "changes a particular background information block characteristic, when the particular background information block of the particular extended program exceeds the prescribed time period of the first prescribed zone in the grid".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 42-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US patent No. 5,585,838) in view of Alten et al. (US Patent No. 5,781,246), and further in view of the Video Guide User's Manual, Part # 030-10011, revision 1.0, 1995 (page 12).

In considering claim 42, Lawler et al. discloses all the claimed subject matter, note 1) the claimed a menu-grid display controller to display a menu of at least present and future programs for plurality of channels in a grid is met by the display of Fig. 8 which displays the present and future programs (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48), 2) the claimed an omission display controller which compares a number of characters in the received character information of the particular extended program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid, and omits a part of a character information of a particular program when a number of characters in the received character information of the particular program is larger than a number of characters which can be displayed in a first prescribed zone of the grid, wherein the omission display controller adds an omission symbol to a remaining part of the character information of the particular program from which a part was omitted when displaying the remaining part of the character information of the particular program from which a part was omitted in the first prescribed zone in the grid is met by the interactive controller 18 which is controlled the generation and display of the program time guide on the video display 20 and Fig. 3 which has the label 89 of the program tile 88 may be the program title, an abbreviation of the program title or any other indicator which

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identifies the corresponding program (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48), 2) the claimed a full display controller which displays, in response to a predetermined selection of the selected particular extended program, an entirety of the character information of the selected particular program in a second prescribed zone displayed together with the grid, at least when the particular program exceeds the prescribed time period of the first prescribed zone in the grid is met by the program summary panel 108 which may include a preview window 110, the full title of the program 112, a description of the program 114, and may also contain one or more information icons (Figs. 3 and 8, col. 10, lines 16-56 and col. 14, lines 23-48), and 3) the claimed a display change controller which changes a particular background information block when the particular background information block cannot be displayed in full in the first prescribed zone indicative of the prescribed time period of the grid is met by as the focus frame 102 moves, it expands or shrinks in size to correspond to the fully visible portion of the designed program title (Fig. 3, col. 11, line 12 to col. 13, line 37).

However, Lawler et al. explicitly does not disclose: 1) the claimed a program time information of particular future program, and 2) the claimed the particular program is a particular extended program.

1) Alten et al teach that in order to view programming information for later or earlier times, the user employs the left and right direction arrows 43B, as a consequence, **the system will display future program schedule information for the particular channel** previous selected by the up and down direction arrows, whether it is the channel currently being viewed or any other available channel, **the schedule**

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information presented includes the name of the program and program start/stop time (Fig. 12A, col. 13, line 62 to col. 15, line 3). Therefore, it would have been obvious to ordinary skill in the art at the time of the invention to incorporate the **program start/stop time** as taught by Alten et al into Lawler et al's system in order to provide the user with more powerful and convenient operating environment while, at the same time, increasing the efficiency of navigation by the user through the guide.

2) the Video Guide User's Manual, Part # 030-10011, revision 1.0, 1995 (page 12) teaches that display program guide in expanded format which has the omitted symbol (...) in the extended program "Little Memo: Adventures in...". Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the omitted symbol displays in the extended program as taught by the Video Guide User's Manual, Part # 030-10011, revision 1.0, 1995 (page 12) into Lawler et al' system in order to allow a user to determine what programs will be available in the future and increasing the efficiency of navigation by the user through the guide.

In considering claim 43, the claimed further comprising a judge controller which judges whether a number of characters in the character information of the particular extended program is larger than the number of characters which can be displayed in the first prescribed zone is met by the interactive controller 18 which is controlled the generation and display of the program time guide on the video display 20 and Fig. 3 which has the label 89 of the program tile 88 may be the program title, an abbreviation of the program title or any other indicator which identifies the corresponding program (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48 of Lawler et al).

In considering claim 44, the claimed further comprising a select controller which selects the character information of the particular extended program from a plurality of character information is met by the interactive controller 18 which is controlled the generation and display of the program time guide on the video display 20 and Fig. 3 which has the label 89 of the program tile 88 may be the program title, an abbreviation of the program title or any other indicator which identifies the corresponding program (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48 of Lawler et al).

In considering claim 45, the claimed further comprising a judge controller to judges whether a background information block indicative of program time can be displayed in full in the first prescribed zone of the grid is met by as the focus frame 102 moves, it expands or shrinks in size to correspond to the fully visible portion of the designed program title (Fig. 3, col. 11, line 12 to col. 13, line 37 of Lawler et al).

In considering claim 46, the claimed further comprising a select controller which selects a shape of the particular a background information block indicative of program time from a plurality of shapes of background information blocks indicative of program time is met by as the focus frame 102 moves, it expands or shrinks in size to correspond to the fully visible portion of the designed program title (Fig. 3, col. 11, line 12 to col. 13, line 37 of Lawler et al).

In considering claim 47, the claimed wherein the character information of the particular extended program is a title of the particular extended program is met by the program title 88 (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48 of Lawler et al).

Claims 48-53 are rejected for the same reason as discussed in claims 42-47, respectively.

Claim 54 is rejected for the same reason as discussed in claim 42 above, and further the claimed a display and a digital broadcasting receiver which displays at least one of video or character information of programs is met by the interactive station controller 18 which sometimes referred to as a set top box, and one video display 20 such as television and an input device 22 such as an infrared remote control (Fig. 2, col. 7, line 7 to col. 8, line 21 of Lawler et al).

Claims 55-59 are rejected for the same reason as discussed in claims 43-47, respectively.

Claim 60 is rejected for the same reason as discussed in claim 42 above, and further the claimed a display and a digital broadcasting receiver which displays at least one of video or character information of programs is met by the interactive station controller 18 which sometimes referred to as a set top box, and one video display 20 such as television and an input device 22 such as an infrared remote control (Fig. 2, col. 7, line 7 to col. 8, line 21 of Lawler et al).

Claims 61-65 are rejected for the same reason as discussed in claims 43-47, respectively.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
July 8, 2005



Trang U. Tran
Examiner
Art Unit 2614